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31]

NOTIFICATION OF SENDING OF DUPLICATE STATEMENT OF OPPOSITION

Patent Opposition Statement No.:	Opposition 2003-72422
(Patent No.):	(Patent No. 3391347)
Draft Date:	November 10, 2003
Chief Appeals Examiner of Patent Office:	Takuei Yoshimura
Patentee:	Murata Manufacturing Co., Ltd.

A duplicate copy of the statement of opposition submitted by the patent opponent is hereby sent.

There is no need to respond to the sending of this duplicate statement of opposition. If you are notified separately of reasons for the revocation of the patent, you may submit opinions and requests for correction within the designated period.

If there are any questions regarding this notification, please contact the following [person]:
Appeals Section 2, Person in Charge: Noriyuki Kudo
Telephone: 03 (3581) 1101 extension 3640 Facsimile: 03 (3580) 8017

[*Stamp*: Saitoh, 11/25/03, *[Illegible]*]

[*Stamp*: Duplicate]

(11,700 yen)

PATENT OPPOSITION STATEMENT

September 29, 2003

To: The Commissioner of the Patent Office

1. Indication of Patent Relevant to the Patent Opposition

   Patent Number: No. 3391347

   Indication of Claims: Claim 1, Claim 2, and Claim 3

2. Patent Opponent

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[*Stamp*: Patent Office, 9/30/03, Application Support Section, Nekozuka]

[*Stamp*: Opposition 2003-72422]

3. Reasons for Opposition

(1) Summary of Reasons for Opposition

Section 29[bis] of the Patent Law (Claims 1, 2, and 3) (Section 113 (ii) of the Patent Law)

Claims	Invention of the Present Patent	Evidence
1	F.[1] A longitudinally-coupled resonator-type surface acoustic wave filter in which B. two stages of longitudinally-coupled resonator-type surface acoustic wave filter [units], [each] comprising A. a piezoelectric substrate and B. first through third IDTs disposed on said piezoelectric substrate in order along the surface acoustic wave propagation direction, are connected in cascade, C. one end of the second IDT of the first-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] is connected to an unbalanced signal terminal, D. one end of the second IDT of the second-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] and the other end [thereof] are connected to first and second balanced signal terminals, E. one end of the first IDT of the first-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] and one end of the first IDT of the second[-stage] longitudinally-coupled resonator-type surface acoustic wave filter [unit] are connected by a first signal line, and one end of the third IDT of the first-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] and one end of the third IDT of the second-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] are connected by a second signal line, F. so that this longitudinally-coupled resonator-type surface acoustic wave filter has a balanced-unbalanced conversion function, wherein an electrical signal propagating said first signal line and an electrical signal propagating said second signal line are in opposite phases. Operational Effect: Balance such as amplitude balance and phase balance is improved in a longitudinally-coupled resonator-type surface acoustic wave filter that has a balanced-unbalanced conversion function.	Exhibit A-1: PCT International Laid-Open (WO01/13514A1) A... Page 1, lines 11 to 14 The surface acoustic wave filter is defined as an electromechanical filter in which structural elements such as transducers and resonators are disposed on the surface of a piezoelectric substrate. B... FIG. 3 Two stages of longitudinally-coupled resonator-type surface acoustic wave filter [units], [each] comprising first through third IDTs disposed in order on tracks 10 and 110 along the surface acoustic wave propagation direction, are connected in cascade. C... FIG. 3 An [input terminal] IN (unbal.) of the IDT 11 constitutes an unbalanced signal terminal. D... FIG. 3 The two [output terminals] (OUT bal.) of the IDT 111 constitute first and second balanced signal terminals. E... FIG. 3 One end of the IDT 21 and one end of the IDT 121 are connected by a first signal line, and one end of the IDT 22 and one end of the IDT 122 are connected by a second signal line. F... Page 4, lines 6 to 8, and FIG. 3 The filter of FIG. 3 is constructed so that the coupling between the two tracks 10 and 110 is performed in opposite phases. Operational Effect: It is indicated in lines 30 to 33 of page 2 that balance properties of an output signal of a related filter in an unbalanced or balanced input signal are further improved.

[1] Translator's note: Due to grammatical (syntactical) differences between Japanese and English, each of constituent elements B and F is divided into two parts, and one part of each constituent element appears at the beginning of this claim in our translation (same in Claim 2).

2	A. through C. G. one end of the second IDT of the second[-stage] longitudinally-coupled resonator-type surface acoustic wave filter [unit] is split into two so as to be respectively connected to first and second balanced signal terminals, E. and F.	A. through C. Same as Claim 1 G... Page 4, lines 14 to 17, and FIG. 2A FIG. 2A shows a modification of the embodiment [shown] in FIG. 2, and the characteristic feature thereof is that [the transducer 111][2] that is indicated as the (first) output side is composed of two transducer sections 111_1 and 111_2. E. and F. Same as Claim 1
3	H. The longitudinally-coupled resonator-type surface acoustic wave filter as described in Claim 1 or 2, wherein the number of electrode fingers of said second IDTs is an even number at least in one of the first- and second-stage longitudinally-coupled resonator-type surface acoustic wave filter [units].	H... Page 3, lines 29 to 31, and FIGs. 2A and 3 The transducers 11 and 111 possess an even number of electrode fingers. [The number of] the electrode fingers of the IDTs 11 and 111 in FIG. 2A is eight, and [the number of] the electrode fingers of the IDTs 11 and 111 in FIG. 3 is four, so that the respective numbers [of the electrode fingers] are even numbers.
Summary of Reasons	(Claim 1) Exhibit A-1 indicates [the following constituent elements]: A. a piezoelectric substrate is used; B. first through third IDTs are connected in two-stage cascade; C. one end of the second IDT of the first-stage filter [unit] is connected to an unbalanced signal terminal; D. one end of the second IDT of the second-stage filter [unit] and the other end [thereof] are connected to first and second balanced signal terminals; E. one end of the first IDT of the first-stage filter [unit] and one end of the first IDT of the second-stage filter [unit] are connected by a first signal line, and one end of the third IDT of the first-stage filter [unit] and one end of the third IDT of the second-stage filter [unit] are connected by a second signal line; and F. an electrical signal that propagates the first signal line and an electrical signal that propagates the second signal line are in opposite phases. Accordingly, all of the constituent elements of Claims 1 are indicated in Exhibit A-1. (Claim 2) Exhibit A-1 describes a construction in which one end of the second IDT of the second-stage filter [unit] is split into two so as to be respectively connected to first and second balanced signal terminals. Constituent element G of the invention of Claim 2 is also shown in Exhibit A-1. (Claim 3) It is indicated in Exhibit A-1 that the number of electrode fingers of the second IDTs is an even number at least in one of the first- and second-stage filter [units]. Constituent element H of the invention of Claim 3 is also shown in Exhibit A-1. Furthermore, with regard to the operational effect of the inventions of Claims 1 through 3, the same operational effect is described in Exhibit A-1. Accordingly, Exhibit A-1 describes inventions that are the same as the inventions of Claims 1 through 3. In addition, the patent application of Exhibit A-1 is a different patent application [that was filed] prior to the filing date of the present patent [as stipulated] in Section 29 (2) [*sic*] of the Patent Law.	

(2) History of Procedure

Filing Date: April 19, 2001 (2000. [*sic*] 4. 19)

Priority Claim Date: June 26, 2000 (2000. 6. 26)

Registration Date: January 24, 2003 (Patent No. 3391347)

[Patent] Gazette Issue Date: March 31, 2003

[2] Translator's note: The insertion in brackets, "the transducer 111," appears to be an inadvertent omission in the original. While it could not be derived from this passage of the source text, we have reconstructed it from the citation that appears on pages 6 to 7.

(3) Grounds for Opposition

Claims:	1, 2, and 3
[Applicable] Sections:	Section 29bis of the Patent Law (Section 113 (ii) of the Patent Law)
Evidence:	Exhibit A-1 through Exhibit A-4

(4) Concrete Reasons

I. Inventions of Claims 1, 2, and 3 (hereafter referred to as the "invention of the present patent):

1) The invention of the present patent is as described in Claims 1, 2, and 3 of the specification at the time of assessment of the [present] patent (hereafter referred to as "the specification of the present patent). [These Claims] can be described by dividing them into the following constituent elements:

Invention of [Claim 1]:

F. A longitudinally-coupled resonator-type surface acoustic wave filter in which
B. two stages of longitudinally-coupled resonator-type surface acoustic wave filter [units], [each] comprising
A. a piezoelectric substrate and
B. first through third IDTs disposed on said piezoelectric substrate in order along the surface acoustic wave propagation direction, are connected in cascade,
C. one end of the second IDT of the first-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] is connected to an unbalanced signal terminal,
D. one end of the second IDT of the second-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] and the other end [thereof] are connected to first and second balanced signal terminals,
E. one end of the first IDT of the first-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] and one end of the first IDT of the second[-stage] longitudinally-coupled resonator-type surface acoustic wave filter [unit] are connected by a first signal line, and one end of the third IDT of the first-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] and one end of the third IDT of the second-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] are connected by a second signal line,
F. so that this longitudinally-coupled resonator-type surface acoustic wave filter has a balanced-unbalanced conversion function, wherein an electrical signal propagating said first signal line and an electrical signal propagating said second signal line are in opposite phases.

Invention of [Claim 2]:

F. A longitudinally-coupled resonator-type surface acoustic wave filter in which

B. two stages of longitudinally-coupled resonator-type surface acoustic wave filter [units], [each] comprising

A. a piezoelectric substrate and

B. first through third IDTs disposed on said piezoelectric substrate in order along the surface acoustic wave propagation direction, are connected in cascade,

C. one end of the second IDT of the first-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] is connected to an unbalanced signal terminal,

G. one end of the second IDT of the second[-stage] longitudinally-coupled resonator-type surface acoustic wave filter [unit] is split into two so as to be respectively connected to first and second balanced signal terminals,

E. one end of the first IDT of the first-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] and one end of the first IDT of the second[-stage] longitudinally-coupled resonator-type surface acoustic wave filter [unit] are connected by a first signal line, and one end of the third IDT of the first-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] and one end of the third IDT of the second-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] are connected by a second signal line,

F. so that this longitudinally-coupled resonator-type surface acoustic wave filter has a balanced-unbalanced conversion function, wherein an electrical signal propagating said first signal line and an electrical signal propagating said second signal line are in opposite phases.

Invention of **[**Claim 3**]**:

H. The longitudinally-coupled resonator-type surface acoustic wave filter as described in Claim 1 or 2, wherein the number of electrode fingers of said second IDTs is an even number at least in one of the first- and second-stage longitudinally-coupled resonator-type surface acoustic wave filter [units].

2) The invention of the present patent manifests the operational effect of improving balance such as amplitude balance and phase balance in a longitudinally-coupled resonator-type surface acoustic wave filter that has a balanced-unbalanced conversion function by having the divided constituent elements described above (description in **[**0009**]** and **[**0070**]** of the specification of the present patent).

II. Description of Evidence

1). Exhibit A-1 (PCT International Application Laid-Open Gazette WO 01/13514 A1) and Exhibit A-2 (partial translation of Exhibit A-1):

Exhibit A-1 is a PCT International Application Laid-Open gazette having an international filing date of July 26, 2000, and Exhibit A-2 is a partial translation of Exhibit A-1. Exhibit A-1 discloses the following in relation to the invention of the present patent:

a. The following description is found (in lines 1 to 14 of page 1 of Exhibit A-1 and ① of Exhibit A-2):

> "Such a surface acoustic wave filter refers to an electromechanical filter in which structural elements such as transducers and resonators are disposed on the surface of a piezoelectric substrate."

b. Furthermore, as the object of the patent invention, the following description is found (in lines 30 to 33 of page 2 of Exhibit A-1 and ② of Exhibit A-2):

> "The object of the present invention is to further improve balance properties of an output signal of a related filter in an unbalanced or balanced input signal."

c. Regarding FIGs. 2 and 3, the following description is found (in lines 29 to 31 of page 3 of Exhibit A-1 and ③ of Exhibit A-2):

> "Specifically, here as well, the transducers 11 and 111 differ in that these transducers have only an even number of electrode fingers."

d. FIG. 3 of Exhibit A-1 shows an example of the cascade connection of two stages of longitudinally-coupled resonator-type surface acoustic wave filter [units] each comprising first through third IDTs (IDTs 21, 11, and 22 and IDTs 121, 111, and 122) that are disposed in order on the respective tracks 10 and 110 along the surface acoustic wave propagation direction.

e. In addition, in the two stages of the longitudinally-coupled resonator-type surface acoustic wave filter [units] that are connected in cascade (shown in FIG. 3), an input terminal IN of the IDT 11 constitutes an unbalanced signal terminal (unbal.), and the two output terminals (OUTbal.) of the IDT 111 constitute first and second balanced signal terminals. In FIG. 3, furthermore, one end of the IDT 21 and one end of the IDT 121 are connected by a first signal line, and one end of the IDT 22 and one end of the IDT 122 are connected by a second signal line.

f. Moreover, the following description is found (in lines 6 to 8 of page 4 of Exhibit A-1 and ④ of Exhibit A-2):

> "The filter in FIG. 3 is constructed so that the coupling between the two tracks 10 and 110 is performed in opposite phases."

g. In addition, the following description is found (in lines 14 to 17 of page 4 of Exhibit A-1 and ⑤ of Exhibit A-2):

> "FIG. 2A shows a modification of the embodiment [shown] in FIG. 2. The characteristic feature of this modified embodiment is that the transducer 111 indicated as the (first)

output side is composed of two transducer sections 111_1 and 111_2 that are electrically connected in series."

FIG. 2A describes a drawing in which the IDT 111 is split into two (IDTs 111_1 and 111_2), and [these IDTs] are respectively connected to the first and second balanced signal terminals. FIG. 2A also shows a construction in which [the number of] the electrode fingers of the IDTs 11 and 111 is 8, which is an even number, and FIG. 3 shows a construction in which [the number of] the electrode fingers of the IDTs 11 and 111 is 4, which is an even number.

2). Exhibit A-3 (German Patent Laid-Open Gazette DE 19938748 A1):

Exhibit A-3 is a laid-open gazette of an earlier German patent application (filing date: August 22, 1999; Application No. 19938748.6) whose priority was claimed in the PCT application of Exhibit A-1 based on the Paris Convention.

With regard to the correspondence to the above-mentioned descriptions a through g of Exhibit A-1, Exhibit A-3 contains descriptions that correspond to all of these [descriptions]. The relationships of correspondence can be indicated as follows:

Regarding a, the same description is found in lines 8 to 11 of column 1 of Exhibit A-3.

Regarding b, the same description is found in lines 59 to 62 of column 1 of Exhibit A-3.

Regarding c, the same description is found in lines 23 to 25 of column 2 of Exhibit A-3.

Regarding d, the same [construction] is depicted in FIG. 3 of Exhibit A-3.

Regarding e, it is shown in FIG. 3 of Exhibit A-3 that "in the two stages of the longitudinally-coupled resonator-type surface acoustic wave filter [units] that are connected in cascade, an input terminal IN of the IDT 11 constitutes an unbalanced signal terminal (unbal.), and the two output terminals (OUTbal.) of the IDT 111 constitute first and second balanced signal terminals."

It is also shown in FIG. 3 that ["]one end of the IDT 21 and one end of the IDT 121 are connected by a first signal line, and one end of the IDT 22 and one end of the IDT 122 are connected by a second signal line."

Regarding f, the same description is found in lines 38 to 40 of column 2 of Exhibit A-3.

Regarding g, the same description is found in lines 45 to 48 of column 2 of Exhibit A-3.

3). Exhibit A-4 (Tokuhyo 2003-507917)

Exhibit A-4 is a domestic announcement involving the [Japanese] translation of the PCT application of Exhibit A-1 when entering the Japanese phase.

With regard to the correspondence to the above-mentioned descriptions a through g of Exhibit A-1, Exhibit A-4 contains descriptions that correspond to all of these [descriptions]. The relationships of correspondence can be indicated as follows:

Regarding a, the same description is found in lines 4 to 6 of [0001] of Exhibit A-4.

Regarding b, the same description is found in [0007] of Exhibit A-4.

Regarding c, the same description is found in lines 3 to 4 of [0012] of Exhibit A-4.

Regarding d, the same [construction] is depicted in FIG. 3 of Exhibit A-4.

Regarding e, it is indicated in FIG. 3 of Exhibit A-4 that "in the two stages of the longitudinally-coupled resonator-type surface acoustic wave filter [units] that are connected in cascade, an input terminal IN of the IDT 11 constitutes an unbalanced signal terminal (unbal.), and the two output terminals (OUTbal.) of the IDT 111 constitute first and second balanced signal terminals."

It is also indicated in FIG. 3 that "one end of the IDT 21 and one end of the IDT 121 are connected by a first signal line, and one end of the IDT 22 and one end of the IDT 122 are connected by a second signal line."

Regarding f, the same description is found in lines 13 to 14 of [0012] of Exhibit A-4.

Regarding g, the same description is found in lines 1 to 3 of [0013] of Exhibit A-4.

III. Comparison between the Invention of the Present Patent and Evidence

1). Section 29bis of the Patent Law stipulates as follows:

> "When the invention of the patent application is the same as the invention described in the specification, claim(s), or drawing(s) initially appended to a different patent application which was [filed] prior to the filing date of said patent application and [subsequently] laid open (excluding inventions whose inventors are the same as the inventors of the invention involved in said patent application), the invention of said patent application cannot be granted a patent. However, this does not apply to the case in which the applicant at the time of said patent application is the same as the applicant of the above-mentioned different [patent application]."

i) "With regard to the "filing date of said patent application" in the above-stipulated requirement, a priority based on the earlier patent application (filing date: June 26, 2000) was claimed at the time of the filing of the present patent.[3] Accordingly, in cases where the invention of the present patent is [the same as] the invention described in the specification, claim(s), or drawing(s) appended to this earlier patent application, the filing date of this earlier patent application is applicable (Section 41 (2) of the Patent Law).

[3] Translator's note: The preceding sentence is not very clear in the original document; our translation represents a best approximation from the given context.

ii) Meanwhile, the PCT application of Exhibit A-1 is deemed as the patent application that was filed on the international filing date (July 26, 2000) in accordance with the provisions of Section 184ter (1) of the Patent Law (see Exhibit A-4).

Furthermore, this PCT application claims a priority based on the earlier German patent application (filing date: August 16, 1999) under Article 4D of the Paris Convention. Accordingly, in the application of the above-mentioned provisions of Section 29bis of the Patent Law, the PCT application of Exhibit A-1, which is deemed as the patent application that was filed on the above-mentioned international filing date, constitutes a different patent application [filed] prior to the filing date of the present patent.

In this case, the "laid open" in the above-mentioned provisions of Section 29bis of the Patent Law can be read as the "internationally laid open" instead (Section 184^{terdecies} of the Patent Law).

2). Accordingly, the invention of the present patent and the content described in Exhibit A-1 are compared below.

(i) Regarding the invention of [Claim 1]:

Divided Element A:

It is stated in lines 11 to 14 of page 1 of Exhibit A-1 that "such a surface acoustic wave filter refers to an electromechanical filter in which structural elements such as transducers and resonators are disposed on the surface of a piezoelectric substrate." With this description, [it can be said that] the "piezoelectric substrate" in the divided element A is clearly indicated in Exhibit A-1.

Divided Element B:

FIG. 3 of Exhibit A-1 shows a construction of the cascade connection of two stages of longitudinally-coupled resonator-type surface acoustic wave filter [units] each comprising first through third IDTs (IDTs 21, 11, and 22 and IDTs 121, 111, and 122) that are disposed in order on the respective tracks 10 and 110 along the surface acoustic wave propagation direction.

This construction corresponds to the divided element B, which reads, "two stages of longitudinally-coupled resonator-type surface acoustic wave filter [units], [each] comprising [...] first through third IDTs disposed on said piezoelectric substrate in order along the surface acoustic wave propagation direction, are connected in cascade."

Divided Element C:

Furthermore, FIG. 3 of Exhibit A-1 indicates that IN (unbal.) of the IDT 11 constitutes an unbalanced signal terminal. This corresponds to the divided element C, which reads, "one end of the second IDT of the first-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] is connected to an unbalanced signal terminal."

Divided Element D:

FIG. 3 of Exhibit A-1 also indicates that two [output terminals] (OUTbal.) of the IDT 111 constitute first and second balanced signal terminals. This construction corresponds to the divided element D, which reads, "one end of the second IDT of the second-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] and the other end [thereof] are connected to first and second balanced signal terminals."

Divided Element E:

In addition, FIG. 3 of Exhibit A-1 indicates that one end of the IDT 21 and one end of the IDT 121 are connected by a first signal line, and one end of the IDT 22 and one end of the IDT 122 are connected by a second signal line.

This description indicates a construction that corresponds to the divided element E, which reads, "one end of the first IDT of the first-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] and one end of the first IDT of the second[-stage] longitudinally-coupled resonator-type surface acoustic wave filter [unit] are connected by a first signal line, and one end of the third IDT of the first-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] and one end of the third IDT of the second-stage longitudinally-coupled resonator-type surface acoustic wave filter [unit] are connected by a second signal line."

Divided Element F:

It is stated in lines 6 to 8 of page 4 of Exhibit A-1 that "the filter in FIG. 3 is constructed so that the coupling between the two tracks 10 and 110 is performed in opposite phases." Accordingly, this description indicates the divided element F, which reads, "A longitudinally-coupled resonator-type surface acoustic wave filter in which [...] so that this longitudinally-coupled resonator-type surface acoustic wave filter has a balanced-unbalanced conversion function, wherein an electrical signal propagating said first signal line and an electrical signal propagating said second signal line are in opposite phases."

Operational Effect:

It is stated in lines 30 to 33 of page 2 of Exhibit A-1 that "balance properties of an output signal of a related filter in an unbalanced or balanced input signal are further improved." Accordingly, the same operational effect as the invention of the present patent is indicated [in Exhibit A-1].

(ii) Regarding the invention of [Claim 2]:

The divided elements A through C, E, and F are the same as in Claim 1, and just as in above-mentioned (i).

Divided Element G:

It is stated in lines 14 to 17 of page 4 of Exhibit A-1 that "FIG. 2A shows a modification of the embodiment of FIG. [2]. The characteristic feature of this modified embodiment is that the transducer 111 indicated as the (first) output side is composed of two transducer sections 111_1 and 111_2 that are electrically connected in series." Furthermore, it is depicted in FIG. 2A that the IDT 111 is split into two (IDTs 111_1 and 111_2), and that [these IDTs] are respectively connected to the first and second balanced signal terminals.

Accordingly, this construction described in Exhibit A-1 indicates the divided element G, which reads, "one end of the second IDT of the second[-stage] longitudinally-coupled resonator-type surface acoustic wave filter [unit] is split into two so as to be respectively connected to first and second balanced signal terminals."

(iii) Regarding the invention of [Claim 3]:

Divided Element H:

It is stated in lines 29 to 31 of page 3 of Exhibit A-1 that "specifically; here as well, the transducers 11 and 111 differ in that these transducers have only an even number of electrode fingers." It is depicted in FIG. 2A that [the number of] the electrode fingers of each of the IDTs 11 and 111 is 8, which is an even number, and it is depicted in FIG. 3 that [the number of] the electrode fingers of each of the IDTs 11 and 111 is 4, which is an even number.

Accordingly, this construction indicates the divided element H, which reads, "The longitudinally-coupled resonator-type surface acoustic wave filter as described in Claim 1 or 2, wherein the number of electrode fingers of said second IDTs is an even number at least in one of the first- and second-stage longitudinally-coupled resonator-type surface acoustic wave filter [units]."

3). Consequently, the inventions of Claims 1, 2, and 3 have the same constructions and operational effect as those of the invention described in Exhibit A-1, and are therefore the same as the invention [of Exhibit A-1].

In addition, the applicant of the patent application of Exhibit A-1 and the inventors of the invention involved in Exhibit A-1 are respectively different from the applicant and inventors of the present patent.

IV. Conclusion

Thus, because the inventions of Claims 1, 2, and 3 of the present patent are the same as the invention described in Exhibit A-1, which constitutes a different patent application which was filed prior to the filing date of the present patent, these inventions cannot be patented in accordance with the provisions of Section 29^{bis} of the Patent Law, so that [the present patent] should be revoked in accordance with the provisions of Section 113 (ii) of the Patent Law.

4. Method of Proof

(1) Exhibit A-1:	PCT International Application Laid-Open Gazette WO 01/13514
(2) Exhibit A-2:	Partial translation of Exhibit A-1
(3) Exhibit A-3:	German Patent Laid-Open Gazette DE 19938748 A1
(3) [*sic*] Exhibit A-4:	Tokuhyo 2003-507917

5. List of Appended Documents or Appended Items

(1) Patent Opposition Statement:	Two duplicates
(2) Exhibit A-1 (Copy):	One original and two duplicates
(3) Exhibit A-2 (Copy):	One original and two duplicates
(4) Exhibit A-3 (Copy):	One original and two duplicates
(5) Exhibit A-4 (Copy):	One original and two duplicates

End.